

Appl. No. 10/017,639

Amdt. dated 7/21/05

Reply to Office action of April 21, 2005

REMARKS

Reconsideration of the application is requested.

Claims 1-3 remain in the application. Claim 1 has been amended.

In "Claim Rejections - 35 USC § 103", item 3 on pages 2-4 of the above-identified Office Action, claims 1-3 have been rejected as being obvious over U.S. Patent No. 5,245,317 to Chidley et al. (hereinafter Chidley) in view of U.S. Patent No. 6,068,192 to McCabe et al. (hereinafter McCabe) under 35 U.S.C. § 103)a).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the change is found on page 4, lines 5-10 and page 5, lines 7-16 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method for detecting an attempt at manipulatory intervention in a smart card, which comprises the steps of:

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using various sensors for detecting abnormal operating states;

sensing an occurrence of an abnormal operating state by some of the sensors; and

after the abnormal operating state has been sensed but before triggering a countermeasure, at least one of:

successively switching the sensors into a higher sensitization state, or

successively activating more sensitive sensors.

An important feature of the method of the invention of the instant application as claimed is the application of a multi-step hierarchy of detectors, by which it is possible to react to abnormal operating conditions in a flexible way. In the standard operating mode, only relatively insensitive detectors are used so that erroneous countermeasures like resets are avoided. After an operating condition that deviates from the regular operation has been detected by the standard sensors, the operating state is further investigated by the more sensitive sensors or the same sensors having been switched into higher levels of sensitivity. In this manner, a false alarm can be avoided, while at the same time a high level of security is achieved.

The newly-cited Chidley reference discloses an article theft detection apparatus and method for monitoring an item that is to be secured, which makes use of different detectors. In

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column 3, lines 38 to 40, and in the last paragraph of column 5 of Chidley, different detectors are mentioned, which are provided to produce a staggered alarm, once one of the detectors has sensed an irregularity. The scope of the generated alarm is thus adapted to the kind of irregularity that has been detected. A plurality of detectors are applied for a thorough surveillance of a locality. The additional detectors provide an additional alarm, which only enhances the initial alarm transmitted by a primary detector, that can be attached to the item, such as a piece of clothing for example, in the form of an RF tag.

The manipulatory act that is detected by the primary detector in Chidley is not proven or controlled by the additional detectors. However, this is an important feature of the method of the invention of the instant application.

According to the method of the invention, the abnormal condition that has been detected by the primary detectors or the detectors in their initial state of sensitivity is checked by more sensitive devices. The primary detectors only indicate if a mode of operation is likely to deviate from the routine process. In this case, an actual investigation of this operating state takes place, in the course of which more sensitive detectors or higher levels of sensitivity are applied. Thus, some vague hints at a

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possible malfunction are not immediately interpreted as the indication of a manipulation, but are sensed to trigger a more reliable detection of possible irregularities. This is basically different from the detection apparatus described by Chidley.

Even though it is believed that the above-described differences between Chidley and the claimed method are sufficiently reflected in the limitations of previous claims 1 to 3, claim 1 has been amended to make it even clearer that the claimed method is not rendered obvious by Chidley.

Claim 1 now states that the step of successively switching the sensors into a higher sensitization state and/or successively activating more sensitive sensors takes place after the abnormal operating state has been sensed but before triggering a countermeasure. Support for this change may be found as follows:

Page 4, lines 5-10 of the specification of the instant application state that "sensors . . . do not immediately trigger a reset or a similar targeted countermeasure in every case, but rather only activate sensors which are connected downstream and which have a relatively high level of sensitivity".

Similarly, page 5, lines 7-16 of the specification of the instant application state that "the accumulated occurrence of small spikes in the operating signals can be used to increase the sensitivity of the spike sensors, or it is possible to trigger an alarm

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indicating an attempt at intervention, and thus for example to trigger a reset, when there is a simultaneous occurrence of relatively small spikes in combination with an operating voltage which lies at the limit of the voltage sensors".

Thus, it is clear that a countermeasure, such as triggering a reset or an alarm, only takes place after switching the sensors into a higher sensitization state and/or successively activating more sensitive sensors. This is fundamentally different from the Chidley method.

Clearly, neither Chidley nor McCabe nor any combination thereof show or suggest that a countermeasure takes place after switching the sensors into a higher sensitization state and/or successively activating more sensitive sensors, as recited in claim 1 of the instant application.

Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-3 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can

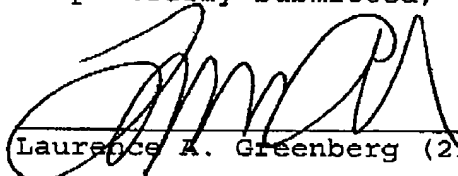
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be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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